

## REMARKS

Prior to this Amendment, claims 1-3, 5, 6, 9-13, 19-29 and 61-68 were pending in the application. As no claim amendments are presented with this filing, claims 1-3, 5, 6, 9-13, 19-29 and 61-68 remain for consideration by the Examiner

### Double Patenting

In the Non-Final Office Action mailed on September 1, 2011 ("Office Action"), the Examiner rejected claims 1-3, 5-6, 9-13, 19-29, 61-68 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,236,987. The Examiner indicated that a timely-filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) could be used to overcome this double patenting rejection.

In response, a terminal disclaimer in compliance with 37 CFR 1.321 and signed by the Assignee of the application/invention is provided with this Amendment and which is believed to overcome the non-statutory double-patenting rejection of claims 1-3, 5-6, 9-13, 19-29, 61-68. Accordingly, Applicant requests withdrawal of this rejection.

### Allowable Subject Matter

In the Office Action, the above-discussed non-statutory double patenting rejection was the only rejection of claims 1-3, 5, 6, 9-13, 19-29 and 61-68. There being no further outstanding rejections, Applicant respectfully requests allowance of claims 1-3, 5-6, 9-13, 19-29, 61-68.

### Conclusions

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested.

No fees are believed due with this filing. However, please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: SEPTEMBER 12, 2011

By: 

Attachments: Terminal Disclaimer  
37 CFR 3.73(b) Statement

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